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OFFICE OF PETITIONS

In re Application of
Joerg Schwenk et al
Application No. 09/529,644
Filed: April 17, 2000
Attorney Docket No. 2345/122

DECISION ON PETITION

This is a decision on the petition, filed June 4, 2007, under 37 CFR 1.137(b), which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of November 18, 2005, which set a three (3) month shortened statutory period for reply. A reply was due on or before February 18, 2006.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on April 24, 2006 (certificate of mailing on April 18, 2006) of, *inter alia*, an amendment and a request for a two month extension of time with fee. A copy of the previously submitted reply accompanies the petition.

The amendment and extension acknowledged as having been received in the USPTO on April 24, 2006 is now of record in the application file. MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The petition fee of \$1,500 submitted on June 4, 2007, is being credited to deposit account no. 11-0600 as authorized.

This application is being referred to Technology Center AU 2623 for appropriate action in the normal course of business on the reply received with petition and on April 24, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions